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Corporation (nka Evoqua Water Technologies LLC)

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**NORTH CLACKAMAS COUNTY
WATER COMMISSION,**

Plaintiff,

v.

**SIEMENS WATER TECHNOLOGIES
CORPORATION**, a Massachusetts
corporation,

Defendant.

**SIEMENS WATER TECHNOLOGIES
CORPORATION**, a Massachusetts
corporation,

Third-Party Plaintiff,

v.

MWH AMERICAS, INC., a California
Corporation,

Third-Party Defendant.

No. 3:13-cv-01441-ST

**DECLARATION OF AARON
BALCZEWSKI IN SUPPORT OF
SIEMENS' MEMORANDUM IN
OPPOSITION TO MOTION TO COMPEL**

I, Aaron Balczewski, depose and say:

1. I am the Process Engineering Director at Evoqua Water Technologies LLC ("Evoqua").

2. In that capacity, I have knowledge of Evoqua's proposal, sale, fabrication, and provision of technical support to purchasers of membrane filtration systems.

3. Each membrane filtration system that Evoqua sells is installed into a plant with varying conditions.

4. The conditions that vary from plant to plant include transmembrane pressure, the type, quality of, and constituents in the plant's raw water, the pre-treatment chemicals added to the plant's raw water, the plant personnel's attention to maintenance, and plant operator error.

5. All of the these factors, along with a membrane module's age, can impact a module's integrity and thus its breakage rate.

6. Evoqua has sold approximately 100 membrane filtration systems with S10V modules. Approximately 35-40% of these projects are located outside North America, including locales in Asia, Australia, the Middle East and Europe.

7. Evoqua's hard copy project files, and the individuals with knowledge of the international projects, would be located in Evoqua's international offices. Its electronic documents from these projects are not accessible from Evoqua's local server, but are available only through special request.

8. Evoqua does not, as a matter of course, request, receive, track, or otherwise catalogue and store, data regarding fiber breakage incidents or rates for all of its customer's

plants. Nor does Evoqua receive reports of fiber breakage incidents, rates or related data from a majority of its customer's plants.

9. To the extent that certain customer's plants have tracked fiber breakage incidents or have shared related data, that information may reside within Evoqua's individual project files for each plant or its custodian's files.


10. The electronic project files for these other plants are, on average, similar in volume to the electronic project file for the North Clackamas Plant project.

11. Without reviewing each individual project and custodian file for evidence of breakage incidents, Evoqua cannot begin to accurately determine which customers' plants, if any, provided fiber breakage incidents, rates or related data.

12. Even for those plants that may have reported fiber breakage incidents, to accurately determine what breakage rate occurred at those plants, Evoqua would need to do the following: collect all documents from each plant, review those documents for evidence of breakage incidents and then perform a calculation of the amount of breakage incidents and the amount of modules installed at that plant over the plant life.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 12th day of May, 2014.



Aaron Balczewski